

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:14 CR 250 CDP-7
)
CHAD COLLINS,)
)
Defendant.)

ORDER

This matter is before the Court on defendant Chad Collins' pretrial motions.

All pretrial motions were referred to United States Magistrate Judge Terry I. Adelman under 28 U.S.C. § 636(b). Judge Adelman held an evidentiary hearing on February 25, 2015, and thereafter filed his Report and Recommendation, which recommended denying the motions. Defendant Collins has objected to Judge Adelman's recommendation that his motion to suppress identification testimony and his motion to sever be denied.

I have conducted *de novo* review of all matters relevant to the motions, including reading the transcript of the hearing, and I conclude that Judge Adelman's recommendations are correct in all regards. The photo identification procedure used here was not unduly suggestive. More importantly, the evidence established that the witness had not just seen the defendant on one occasion, but

instead had dealt with him – either delivering marijuana or collecting large sums of money – on numerous occasions. The witness knew the defendant, he just did not know the defendant's name. There is no basis for suppressing the identification evidence. Additionally, defendant has not provided any specific reason that his trial should be severed from that of his co-defendants, as Judge Adelman correctly demonstrated in his order on the motions to sever.

After fully considering the motions and the Report and Recommendation, the Court will overrule the objections, and will adopt and sustain the thorough reasoning of Magistrate Judge Adelman.

Accordingly,

IT IS HEREBY ORDERED that the Reports and Recommendation of the United States Magistrate Judge [#379, # 404] are **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant Chad Collins' motion to suppress identification evidence [#312] and his motion to sever [#313] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 15th day of May, 2015.